

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

ENDOWMENTS DEPARTMENT – The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 – Amendment – Preliminary Notification - Issued.

REVENUE (ENDOWMENTS-I) DEPARTMENT

G.O.Ms.No.341

**Dated 10-9-2015.
Read the following :-**

- 1) G.O.Ms. No.379, Rev. (Endt.I) Dept., dt.11-3-2003.
- 2) From the C.E.D. A.P. Hyderabad letter Rc.No.in DPI/ 7951/2015, dt.25-4-2015.

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ORDER:

The following notification will be published in an Extraordinary issue of the Andhra Pradesh Gazette, Dated 15-9-2015 :-

PRELIMINARY NOTIFICATION

The following amendments to the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003, issued in G.O.Ms. No.379, Revenue (Endt.I) Department, dt.11-3-2003 and published in Part.I of the Extraordinary issue of Andhra Pradesh Gazette No.7, dated 13-3-2003, are proposed to be made in exercise of the powers conferred by sub-section (3) of section 82 read with section 153 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Andhra Pradesh Act No.30 of 1987) is hereby published for general information in the Andhra Pradesh Gazette as required under sub-section (1) of section 153 of the said Act.

Notice is hereby given that, the aforesaid amendments will be taken into consideration by the Government on or after expiry of Thirty (30) days from the date of publication of this notification in the Andhra Pradesh Gazette and that, any objections or suggestions which may be received from any person, with respect thereto within the aforesaid period will be taken into consideration by the Government of Andhra Pradesh. Objections and suggestions should be addressed to the Principal Secretary to Government, Revenue (Endowments) Department, Andhra Pradesh, Secretariat, Hyderabad in duplicate.

AMENDMENTS

- 1.** In Rule 3 of the said rules, immediately after completion of sub Rule 3, the following proviso shall be **added** namely:-

Provided that the status of every Land Less Poor tenant shall be re-examined every three years and appropriate orders shall be passed by the Assistant Commissioner having territorial jurisdiction. The economic status of any person is not a constant.

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2. In Rule 6 of the said rules, immediately after completion of sub Rule 2, the following proviso shall be **added** namely:

Provided that no land belonging to a Hindu temple or Math can be alienated to anyone on a permanent basis.

3. In Rule 7 of the said Rules, Sub-Rule (1) shall be **substituted** as follows :

7 (1): (a) All leases shall be by way of Tender-cum-Public Auction on Annual Advance Rental basis and the rent shall be fixed in Cash only.

(b) The Executive Authority shall conduct Tender – cum – Public Auction compulsorily before three months of expiry of existing lease period. The Executive Authority shall also issue a public notice of ten days to that effect.

(c) The Executive Authority is duty bound to take action in all such cases without taking cover under the pretext of awaiting orders from higher authorities.

4. In Rule 7 of the said Rules, Sub-Rule (2) shall be **substituted** as follows :

7(2): Tenders received, if any, shall be opened before the public at the place of auction after the Public Auction is over. The Executive Authorities have to fix up the upset price basing on prevailing rents in the vicinity and start Public Auction. The highest amount offered in tenders or Public Auction, as the case may be, shall be taken in to consideration for the purpose of finalizing the highest bidder.

5. In Rule 9 of the said Rules, clause (d) shall be **substituted** as follows :

9(d): No person professing other than Hinduism as his religion is entitled to obtain lease either through tender – cum – public auction or otherwise.

6. In clause (f) of Rule 9 of the said rules, immediately after the completion of the words "**so as to recognize them as lessees**", the following words shall be **added** namely:-

'for the balance period'

7. In clause (g) of Rule 9 of the said Rules, immediately after the words '**Rules are violated**' the following words shall be **added**:

Thereafter the Executive Authorities shall issue a fifteen days notice to the violator for compliance of the lease conditions. If the lessee fails to comply with the conditions of lease or becomes a defaulter, and fails to hand over possession, the tenant shall compulsorily be evicted by the Executive Authority with the assistance of Police invoking the provisions of section 84 and 86 of the Act treating him as an encroacher in the order passed

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under section 83(4) or 85(1) of the Act. The Executive Authority is duty bound to take action in all such cases without taking cover under the pretext of awaiting orders from higher authorities.

8. Immediately after clause (g) of Rule 9 of the said Rules, a new clause (h) shall be **added** namely:

9(h): Notwithstanding anything in these Rules and other rules for the time being in force –

- (i) the Executive Authority or any other Endowment Authority shall simultaneously file a police report or a complaint and prosecute the encroacher for criminal trespass as the encroachment of endowment institutions property is an offence against the Society. On bringing to the knowledge of the police of Court about the encroachment of any temple or Endowment institutions property, the same shall be taken cognizance of. The offence of encroachment of temple or any Endowment institutions property is a cognizable, non bailable and non-compoundable offence.
- (ii) the arrears if any, loss caused by the encroacher or defaulter shall also be recovered simultaneously as arrears of land revenue by the Assistant Commissioner of the District or any other senior Endowment official in exceptional circumstances.

9. Rule 17 of the said rules shall be **substituted** with the following :

17. Security: In the case of all leases, Annual Advance Rent has to be collected immediately after the Tender-cum-Public Auction is over. If the tenant fails to pay Annual Advance Rent as per conditions, the earnest money and part payment if any made shall be forfeited in favour of the Endowment Institution automatically and fresh lease through Tender-cum-Public Auction shall be conducted by the Executive Authorities immediately. If the lease period is for more than one year, the succeeding year's Annual Advance Rent shall be paid before one month of commencement of succeeding lease year.

10. Rule 19 of the said rules shall be **substituted** with the following:-

19. Validity of Lease or Occupation :

Notwithstanding anything contained in any other Rules for the time being, Judgment, compromise, scheme, any Lease granted, continued or allowed to be continued otherwise than in accordance with these Rules and all unauthorized occupations with whatever nomenclature they may, shall be null and void. The Executive Authority shall issue a seven days notice to the illegal occupier with a demand to vacate and hand over possession of the property. If he fails to hand over the same, he shall compulsorily be evicted with the

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assistance of Police invoking the provisions under section 84 and 86 of the Act treating him as an encroacher in the order passed under section 83 (4) or 85 (1) of the Act, apart from initiating actions simultaneously under Rule 9(h) without fail. The Executive Authority is duty bound to take action in all such cases without taking cover under the pretext of awaiting orders from higher authorities.

11. Immediately after Rule 20 of the said Rules, the following new Rule 21 shall be **added** namely:-

21. Residue: If any of these Rules if lying inconsistent with the provisions of the Act, being amended from time to time, will not over ride the provisions of the Act. For that purpose, the Rule shall be ignored as if non est to that extent.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J.S.V. PRASAD
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner, Printing, Stationary and Stores Purchase,
Hyderabad
(For Publishing the notification in the next issue of A.P. Gazette.
He is requested to supply 50 copies to Government and 50
copies to the Commissioner, Endowments, A.P. Hyderabad).

Copy to:

The Commissioner, Endowments Department, A.P. Hyderabad.
The P.S. to Minister (Endowments).
The Law (E) Department.
The General Administration (Ser.D) Department.
The Revenue (Endts.II, III) Department.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER

